

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER DENYING DEFENDANT'S
RENEWED MOTION TO BAR
PLAINTIFF'S EXPERT WITNESSES**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

Before the Court is defendant International Business Machines' ("IBM") renewed motion to bar plaintiff Ralph Miller's expert witnesses, filed June 14, 2006. Doc. #564. In its motion, IBM argues that Miller failed to comply with the Court's order to make his experts available within 21 days for further depositions. Doc. #550. While the 21-day period has expired, the Court notes that Miller also had a pending motion to continue the deposition deadline. Doc. #560. On June 14, the Court denied Miller's request for a continuance, but granted an additional 14 days to complete the depositions. Doc. #567. Accordingly, the Court hereby DENIES IBM's renewed motion as moot. However, as noted in its June 14 Order, preclusion sanctions shall be imposed if Miller fails to comply with the extended deadline.

IT IS SO ORDERED.

Dated: June 15, 2006



MARIA-ELENA JAMES
United States Magistrate Judge